

1 on your timesheets on the dates indicated?

2 A Yes.

3 MR. BECKNER: Okay. I'll move this into evidence,
4 Your Honor.

5 MR. SPITZER: No objection.

6 JUDGE SIPPEL: It's received in evidence as TW/CV
7 Exhibit 63.

8 (Document previously marked
9 for identification as TW/CV
10 Exhibit 63 was received in
11 evidence.)

12 BY MR. BECKNER:

13 Q All right. Ms. Richter, did you, in the course of
14 your compiling this inventory which you were also doing in
15 March, April, 1993 period, did you ask Mr. Nourain if he had
16 any operating paths that were unaccounted for in the license
17 inventory that you were working on or that you had just
18 finished?

19 A I don't recall asking that specific question.

20 Q Did you ask anything of that nature, specific or
21 otherwise?

22 A I asked him to review the inventory for accuracy.

23 Q And your intent in asking that question was for
24 him to tell you about any paths that he was running for
25 which you did not appear to indicate that was licensed, is

1 that correct?

2 A My intent in asking for his review was to
3 determine if in fact the inventories were accurate as to any
4 paths, as to anything that Liberty was operating.

5 Q Okay. After these conversations that you had with
6 Mr. Nourain that precipitated the April 20th letter, did you
7 do anything to try to determine whether or not Mr. Nourain
8 had violated the FCC rules because of these
9 misunderstandings that he had expressed to you?

10 A That wasn't my concern. My concern was not that
11 they had done anything illegal. My concern was that
12 confusion could cause them to if I didn't clear it up and
13 that was the reason for the letter. But I wasn't concerned
14 that anything had been done that was in violation of the
15 rules.

16 Q Can you tell us why you weren't concerned that
17 Mr. Nourain's confusion might not have in the past led him
18 to do something that violated the Commission's rules?

19 A Apparently because nothing was said to me to lead
20 me to that conclusion.

21 JUDGE SIPPEL: Well, you wouldn't necessarily have
22 to reach a conclusion. You could have a suspicion. Did you
23 have any suspicions that he might have inadvertently
24 activated something at or about this time of April 20th,
25 '93?

1 THE WITNESS: No, my concern was that that could
2 happen, but not that it had happened. That it could happen
3 and I was trying to prevent it with the letter.

4 JUDGE SIPPEL: All right. That's consistent with
5 what you testified to before we had the break. Go ahead.

6 BY MR. BECKNER:

7 Q Following the April 20th letter, did Mr. Nourain
8 thereafter say anything to you that indicated to you that he
9 was confused or wrong about the Commission's rules?

10 A I don't recall.

11 Q You don't recall whether he did or he didn't?

12 A I don't recall that he did.

13 Q You don't recall that he did, okay. So would it
14 be correct to say that as far as you were concerned after
15 the April 20th letter, Mr. Nourain appeared to you to have a
16 correct understanding of the Commission's rules.

17 A That was my hope. There were no conversations up
18 to that point that indicated to me that anyone was having
19 any confusion.

20 Q Okay. I think the Judge may have already asked
21 you this. Bear with me. Did you discuss this letter, the
22 April 20th letter, with anyone at Liberty at all?

23 A I think you showed me during the deposition that I
24 spoke with Peter Price.

25 Q Do you have -- aside from, the question is do you

1 have any recollection of that?

2 A I do not.

3 Q Okay. I want to just, since you mentioned that,
4 I'd like to return to Exhibit 61 which is Tab 10, the second
5 page, the time entry for April 28th.

6 A Right.

7 Q Okay. Is that what you're referring to, that
8 conversation with Peter Price which is reflected here?

9 A That's right.

10 Q Okay. Now, as you read this time entry, does it
11 tell you that you discussed the April 20th letter with
12 Mr. Price or that you just had some discussion?

13 A I had a discussion with Mr. Price about STAs and I
14 believe that what prompted that discussion was the letter.

15 Q Okay. And what did Mr. Price tell you about or
16 what did you and Mr. Price discuss about STAs if you
17 remember?

18 A That in fact Liberty needed to begin turning on
19 facilities sooner than some of these grants were coming out
20 because it was taking the FCC a very long period of time and
21 that we needed to begin as a matter of course to file for
22 special temporary authority after some period went by after
23 the application had been filed and accepted for filing.

24 Q Okay. And did you in fact begin to do that?

25 A Yes.

1 Q Those STA requests?

2 A Yes.

3 Q All right. I'd like you to turn to the document
4 that was Tab 11 which is Exhibit, TW/CV Exhibit 62 for
5 identification. With the exception of the material that's
6 been redacted, can you identify this letter as a property
7 one that you sent Mr. Price on or about May 25th, 1993?

8 (Document above referred to
9 was marked for identification
10 as TW/CV Exhibit 62.)

11 A Yes, those are my initials on the second page.

12 Q Okay. And this, the first page letter says among
13 other things I will request authority for Liberty to
14 activate new or modified paths as soon as the three day
15 public notice period on the modification application is
16 closed. Is that a practice that you then followed
17 consistently after May 25th, 1993?

18 A My recollection is that that's the case.

19 Q Okay. And did you follow that consistently right
20 up through the end of your employment at Pepper & Corazzini?

21 A I believe so.

22 Q Was there any particular regular time interval
23 between when you filed an application or a modification
24 application and went on public notice?

25 A Was there a regular time interval?

1 Q Yes.

2 A No.

3 Q Do you recall the range of length of time between
4 filing and public notice in your experience at Liberty?

5 A I think it was a matter of a week or two weeks.
6 It wasn't a very long period of time.

7 JUDGE SIPPEL: Can we move 62 in at this time?

8 MR. BECKNER: Yes, Your Honor. There's one other
9 question I want to ask. At this time we'd like to move
10 Exhibit 62 into evidence.

11 MR. SPITZER: Tab 11?

12 JUDGE SIPPEL: At Tab 11 and it's been marked for
13 identification as Exhibit 62 by the Court Reporter. Any
14 objection?

15 MR. SPITZER: No objection, Your Honor.

16 JUDGE SIPPEL: It's received into evidence at this
17 time as number 62.

18 (Document previously marked
19 for identification as TW/CV
20 Exhibit 62 was received in
21 evidence.)

22 JUDGE SIPPEL: Let's go off the record, please.

23 (Whereupon, a brief recess was taken.)

24 BY MR. BECKNER:

25 Q This Exhibit 62 that we just looked at seems to

1 indicate that approximately late April or May of '93, you
2 began filing STA requests for Liberty, is that correct?

3 A Yes.

4 Q Did you file any STA requests for Liberty before
5 April of '93?

6 A In other words, earlier in '93 or '92?

7 A I don't recall doing that.

8 Q You don't recall doing that?

9 A Right, correct.

10 Q Okay. Do you know whether or not the STA requests
11 that were granted and that are reflected in this Exhibit 62
12 were for -- were they all the pending applications that were
13 on public notice?

14 A I don't have any way of knowing that.

15 Q You don't recall whether or not you just filed STA
16 requests for everything that was on public notice or some
17 smaller group?

18 A I have no way of knowing that.

19 Q Did there come a time later in your work on the
20 Liberty Cable account when the FCC began to process
21 applications more rapidly than they were in the Spring of
22 1993?

23 A It seemed to me towards the end of my time at
24 Pepper & Corazzini applications were getting granted quickly
25 -- quicker, I'm sorry.

1 Q Okay. And during the end of your time at Pepper &
2 Corazzini, did you nevertheless still continue to file STA
3 requests routinely? Or did the FCC speeding up cause you
4 not to do that STA request?

5 A It could be either of those. I guess I'd have to
6 look at documents to know for sure.

7 Q Okay. Now, when STAs were granted, did FCC notify
8 Liberty directly or did they notify you as Liberty's
9 attorney?

10 A STAs?

11 Q STAs.

12 A I don't know which way that happened. Certainly
13 with the licenses they sent them to Liberty not to us. That
14 may have been the case with the STAs, but I'm not sure.

15 Q I'd like you to take a look at Exhibit 63. That's
16 Tab 12. There's a time entry there for the 19th. It says
17 phone call Behrooz re: grant of STAs.

18 A Mm-hmm.

19 Q And then on the 25th there's an entry for prepare
20 letters for Behrooz re: grant of STAs. Does that refresh
21 your recollection at all about whether or not the Commission
22 notified you first of STAs as opposed to the client?

23 A It seems to me that they must have notified me.
24 Otherwise, there wouldn't have been a letter, a need for me
25 to write a letter to Behrooz telling him about it.

1 Q Okay. Then I take it then your practice was to
2 once you received word of a grant of an STA to notify the
3 client thereafter.

4 A Correct.

5 Q And would you typically do that by letter and by
6 telephone as he did here?

7 A This entry seems to indicate that's the case. I
8 called him or he called me on the 19th and we discussed that
9 STAs would be granted and then on the 25th I followed up
10 with a letter.

11 Q Now, staying with this bill, did you also begin to
12 include STAs in your inventory?

13 A I think we covered that in the deposition and I'm
14 just not sure how that was handled. It looks to me like I
15 was comparing it against the inventory, but I just don't
16 know how I indicated that.

17 Q Do you know why you would have reviewed the STAs
18 against the inventory or updated the inventories if it was
19 not to record on the inventory the fact that an STA had been
20 granted?

21 A I don't know.

22 MR. BECKNER: I want you to take a look at -- Your
23 Honor, this is one of the previously marked exhibits from
24 the previous hearing. It's Exhibit 3.

25 JUDGE SIPPEL: Exhibit number three.

1 MR. BECKNER: Yes, that's the --

2 JUDGE SIPPEL: The inventory.

3 MR. BECKNER: Yes.

4 JUDGE SIPPEL: And as earlier today, I have my own
5 copy of these earlier exhibits and I'm showing this to the
6 witness and you can identify specifically for the record.

7 BY MR. BECKNER:

8 Q Ms. Richter, you've been handed what's been
9 previously marked and admitted in this hearing as TW/CV
10 Exhibit 3. I'd like you to tell me first off do you
11 recognize it as a copy of an inventory that you prepared on
12 or about April 6th, 1993 and sent to the named individuals
13 here? And I want you to exclude from your identification
14 any of the handwriting marks and so on that you'll see on
15 that copy.

16 A I think I would have sent a clean -- prepared and
17 sent a clean copy of this to Liberty Cable.

18 Q Okay. And you recognize this as a copy of that
19 document that you sent on the 6th of April.

20 A That's what it appears to be.

21 Q Okay. I want you to turn to Tab 8 under the
22 notebook.

23 MR. SPITZER: Which?

24 MR. BECKNER: In the thin notebook of the new
25 exhibits.

1 JUDGE SIPPEL: Well, what number exhibit would
2 that be?

3 MR. BECKNER: And that would be TW/CV Exhibit 59
4 marked for identification only at the moment.

5 (Document above referred to
6 was marked for identification
7 as TW/CV Exhibit 59.)

8 JUDGE SIPPEL: Do you have that, Ms. Richter?

9 THE WITNESS: I do.

10 BY MR. BECKNER:

11 Q Okay. Can you tell us whether or not TW/CV
12 Exhibit 59 appears to you to be a copy of a letter you wrote
13 and sent to Bruce McKinnon on April 6th, 1993?

14 A Yes, that's my signature on the second page.

15 MR. BECKNER: Okay. Your Honor, at this time I
16 move TW/CV Exhibit 59 into evidence.

17 MR. SPITZER: No objection, Your Honor.

18 JUDGE SIPPEL: There being no objection, the
19 document marked for identification as TW/CV Exhibit 59 is
20 now received into evidence as 59.

21 (Document previously marked
22 for identification as TW/CV
23 Exhibit 59 was received in
24 evidence.)

25 //

1 BY MR. BECKNER:

2 Q Now, was Exhibit 59, was that the cover letter
3 transmitting the actual inventory that's been marked as
4 Exhibit 3?

5 A I'm sorry, would you repeat the question?

6 Q Was Exhibit 59, that is the April 6th letter to
7 Bruce McKinnon, was that the transmittal letter that sent or
8 included with it the inventory that has been marked as
9 Exhibit 3?

10 A That appears to be the case. The first line says
11 that an inventory is enclosed.

12 Q Now, in the last page of the letter, that is
13 Exhibit 59, is a comment that says the inventory will be
14 updated with each new application filed and you'll
15 periodically provide copies to Behrooz, Mr. Roth and
16 yourself. Did you in fact follow that practice as far as
17 you can recall?

18 A Yeah, I don't think there was any system to that,
19 but when you showed me in the deposition that I had provided
20 different copies of the inventory at different times.

21 Q Okay. It then says we should -- strike that. We
22 can ensure that everyone has a full understanding of what
23 Liberty's trying to accomplish which should increase
24 efficiency and eliminate guesswork. What did you mean by
25 guesswork in this letter?

1 A I don't know.

2 Q Prior to the compilation of the inventory, was
3 there, did there appear to you to be some uncertainty about
4 the status of licensing of paths?

5 A Probably if I was referring to any guesswork, I
6 was referring to my own. Because as I indicated, the file
7 was a mess and I couldn't figure out what was licensed and
8 what wasn't licensed and for my own purposes, it had become
9 very difficult to follow all of the applications that I was
10 filing.

11 Q Did Mr. Nourain express to you any kind of
12 uncertainty as to what was and was not licensed prior to the
13 assembling of this inventory?

14 A Well, I think if you go back to the first page of
15 this letter, I'm discussing Joe Stern's inventory and that
16 he had incorrectly described certain technical aspects of
17 the licenses. And then, of course, you see later we filed
18 modification applications. Let's say, you know, we
19 corrected the coordinates or we corrected elevation. These
20 were things that were on the inventory and that may have
21 also been on the licenses that they applied for, but they
22 were simply incorrect.

23 Q Okay. I'd like you to take a look at the
24 inventory itself. That's Exhibit 3 which the Judge gave you
25 a copy from his book. And if you would turn to the page

1 that has call sign WNTT 999.

2 MR. SPITZER: What page is that?

3 BY MR. BECKNER:

4 Q That's page 009 of the exhibit.

5 A I've got it.

6 Q Okay. The paths five, six, seven have a 3/93 in
7 parens out to the side, is that correct?

8 A That is correct.

9 Q Okay. Does that indicate -- what does that
10 indicate?

11 A The month and year that the application to modify
12 WNTT 939 with regard to these paths was filed.

13 Q Okay. Now, can you tell whether or not -- are
14 these new paths that are being added to this license?

15 A I believe that to be the case.

16 Q Okay. Now, did Mr. Nourain ever indicate to you
17 that he had activated these paths in February of 1993, five,
18 six and seven?

19 A Not unless you show me a document that says that
20 he did.

21 Q No, I'm asking if you remember.

22 A No, sir. I don't.

23 Q Now, there's a handwritten entry in handwriting,
24 number eight, 302 East 88th Street. Is that your
25 handwriting or someone else's?

1 A It's mine.

2 Q Okay. And there's a date of 4/93 in parens off to
3 the right.

4 A Correct.

5 Q Okay. Can you tell us what that entry means?

6 A That is a new path that we're adding to the
7 license WNTT 939 to serve 302 East 88th Street from Normandy
8 Court.

9 Q Okay. And 4/93 is that --

10 A The month and year it was filed.

11 Q The month and year it was filed. Now, in some
12 cases did you actually end up filing a little bit later than
13 the dates here in parentheses, do you know?

14 A I wouldn't recall that. I don't know.

15 Q Do you recall this particular one being filed
16 actually in May of 1993?

17 A I wouldn't have any way of knowing that.

18 Q I mean, it doesn't stand out in your mind?

19 A No.

20 Q Okay. And at the time that you did this, filed
21 this application, were you aware of whether or not
22 Mr. Nourain had already turned it on, this path?

23 A No.

24 Q Okay. I'd like you to turn to page 13 of the
25 exhibit.

1 A WNTM.

2 Q Do you have that?

3 A WNTM 212?

4 Q Yes, ma'am.

5 A Mm-hmm.

6 Q And there are paths seven, eight, nine and ten at
7 the bottom of the page. Do you have that?

8 A Yes.

9 Q And there's handwriting off to the side that says
10 new paths. Is that your writing?

11 A No, that is not my handwriting.

12 Q Okay. On the right side there is handwriting that
13 appears to say have not been on P/N and then there's a
14 number. Is that yours?

15 A Have not been on P/N is mine and the number is not
16 mine.

17 Q Okay. What does that tell you about paths seven
18 through ten on this page?

19 A That the application to file to add those paths to
20 WNTM212 were filed March of 1993 and that to the point of my
21 writing had not been on P/N, they had not appeared on public
22 notice.

23 Q Okay. And again, as far as, did you have any
24 knowledge that paths seven through ten were already active
25 at the time that the applications were filed?

1 A No.

2 Q I'd like you to turn to page 19 of the exhibit.

3 A I've got it.

4 Q And the very last item that's in handwriting looks
5 like 333 East 55th.

6 A Yes.

7 Q Is that your writing?

8 A It is.

9 Q Okay. Would you have written this in at or about
10 the time that you filed an application for this path? Is
11 that why it's here?

12 A I don't know if I would have written it in at the
13 time that Behrooz asked me to start an application for it or
14 at the time I in fact filed the application, but it would
15 have been during that process.

16 Q One of those two times.

17 A Right.

18 Q Okay.

19 A And these were just my notes. This was not, the
20 client never received.

21 Q I understand. In fact, if we go to the first page
22 of the exhibit on the top right corner, do you recognize --

23 A Right.

24 Q Is that your handwriting?

25 A Right.

1 Q And what's it say there?

2 A I'm telling myself that's my copy. It says JLR
3 copy.

4 Q Okay. So I take it that what we have here is a
5 copy of a working document that you used in your file to
6 update by hand.

7 A Right. That I used and apparently some other
8 people used whose handwriting I don't recognize.

9 Q All right. I'd like you to turn to page 21 of the
10 document.

11 A Okay.

12 Q Path number seven.

13 A Yes.

14 Q Okay. What does this entry reflect about path
15 number seven if you can tell me?

16 A That an application to serve 200 East 36th Street
17 from Windsor Court under the call sign WNTM 555 was filed in
18 March of 1993.

19 Q Can you tell from this whether or not this is a
20 new path or whether this is a modification of an old one?
21 You know, where you change coordinates or something like
22 that.

23 A I can't tell, but I can make the assumption that
24 this was not a modification, that this was a new path.

25 Q Okay. Why do you make that assumption? Or what

1 is it that makes you have that belief?

2 A Because it's at the end of the list.

3 Q Okay. And 3/93 was the approximate month and year
4 when you filed the application? That's what that indicates?

5 A That's what the notation says.

6 Q Do you know whether or not Mr. Nourain had
7 activated this particular path in March of 1993?

8 A No.

9 Q Just a couple more questions, Ms. Richter. Did
10 Mr. Nourain ever tell you that he would assume that Liberty
11 would be authorized to activate a path a certain number of
12 days after an application had been filed?

13 A I'm going to repeat the question because I want to
14 make sure I heard it correctly. You're asking me if he ever
15 told me that he had activated a path?

16 Q No, that's not it.

17 A Oh, I'm sorry. Okay.

18 Q Let me repeat it for you.

19 A Okay.

20 Q Sure. Did Mr. Nourain ever tell you that he would
21 assume that Liberty was authorized to activate a path a
22 certain number of days after an application for that path
23 had been filed?

24 A No.

25 Q Did he ever tell you that he would make such an

1 assumption a certain number of days after an application had
2 gone on public notice?

3 A No.

4 Q Did he ever tell you that he would make that
5 assumption a certain number of days after an STA request had
6 been filed?

7 A No.

8 Q Did you ever tell Mr. Nourain that he could assume
9 under any circumstances other than receipt of a grant of a
10 license that he could activate a path for which an
11 application had been filed?

12 A Only if we had special temporary authority to do
13 it.

14 Q All right. I'm sorry, I meant to include that.

15 A That's okay.

16 MR. BECKNER: Your Honor, before I am finished
17 with this witness, I don't think I moved Exhibit 62 into
18 evidence. That's the letter to Peter Price from
19 Ms. Richter, dated May 25th, 1993.

20 JUDGE SIPPEL: On my notes I have that it's been
21 marked and received into evidence.

22 MR. BECKNER: Okay. I beg your pardon.

23 MR. SPITZER: My notes indicate that as well, Your
24 Honor. But we have no objection.

25 MR. BECKNER: Thank you, Eliot. Thank you,

1 Ms. Richter.

2 THE WITNESS: You're welcome.

3 MR. BECKNER: I don't have any further questions,
4 Your Honor.

5 JUDGE SIPPEL: All right. Now, before we, what
6 about this exhibit, proposed Exhibit 64 and 65? Is this
7 going to wait? You don't need Ms. Richter for that?

8 (Document above referred to
9 was marked for identification
10 as TW/CV Exhibit 64.)

11 MR. BECKNER: That's going to wait.

12 MR. SPITZER: We only have tab numbers.

13 JUDGE SIPPEL: Tab 13 and Tab 14.

14 MR. BECKNER: That's going to wait, Your Honor.

15 JUDGE SIPPEL: All right.

16 MR. BECKNER: Your Honor, I beg your pardon.

17 There's one, I mean, we don't really need a response from
18 the witness. She's identified it. Tab 4, Exhibit 55, which
19 is the deposition transcript of Ms. Richter. We'd like to
20 move that into evidence.

21 (Document above referred to
22 was marked for identification
23 as TW/CV Exhibit 55.)

24 JUDGE SIPPEL: Well, it's marked for
25 identification as 55.

1 MR. SPITZER: Your Honor, objection would only be
2 that she hasn't yet reviewed it and signed it. She
3 specifically reserved.

4 JUDGE SIPPEL: Well, what would you propose to do
5 about that? We could ask her to review it and sign it? Or
6 we could receive it at this time without her signature
7 subject to motions to correct.

8 MR. SPITZER: That's fine with us, subject to
9 corrections.

10 MR. BECKNER: Yes, I would be in agreement with
11 Mr. Spitzer on that. I would prefer that it come in and
12 that we allow the witness to submit proposed corrections and
13 we can deal with that by motion.

14 JUDGE SIPPEL: Okay. Any objection -- does the
15 Bureau have any objections to that, Mr. Weber?

16 MR. WEBER: No objections, Your Honor.

17 JUDGE SIPPEL: All right. Well, we'll --
18 Mr. Begleiter.

19 MR. BEGLEITER: My question is will that delay the
20 briefing of the post-hearing briefs --

21 JUDGE SIPPEL: No, not if you had let me finish my
22 sentence.

23 MR. BEGLEITER: I'm sorry. I apologize.

24 JUDGE SIPPEL: That's all right. It's a fine
25 point, Mr. Begleiter. No, what I'm going to do is I'm going

1 to give, let me see. Today is the 28th. I'm going to give
2 Ms. Richter and Liberty until next Wednesday the 4th to come
3 in with any corrections and I will act on it promptly.

4 BY MR. BECKNER:

5 Q Ms. Richter, do you have a copy of the transcript?

6 A I do not.

7 MR. SPITZER: Well, it's your exhibit.

8 Mr. Beckner, why don't you see if you can --

9 JUDGE SIPPEL: That's right.

10 MR. BECKNER: It was my impression the Court
11 Reporter was going to deliver one to you and I apologize if
12 you don't have it.

13 THE WITNESS: That's okay.

14 JUDGE SIPPEL: Well, if you want, I have one that
15 came in last week, a clean one that I can give her so that
16 she can take it back with her if you want. Or I'll give it
17 to you and if you're satisfied that it doesn't have any
18 markings on it, you can give it to her.

19 MR. BECKNER: That's fine, Your Honor. And at the
20 lunch break I can ask the folks in my office to make another
21 copy which we'll get over to you before the end of the day.

22 JUDGE SIPPEL: Well, I'm all right. I have mine.
23 I have the one that I need in the last, the proposed
24 exhibits that you gave me on Tuesday. I have all I need.
25 This was the pre, pre-hearing exchange with me.

1 MR. BECKNER: Okay. All right. Well, thank you.

2 We won't bury you in any more paper than necessary.

3 JUDGE SIPPEL: All right. Let me get this date
4 down. So it's going to be June the 4th. In other words, by
5 June the 4th I have to receive a motion or a written request
6 for changes or else there's going to be nothing else heard
7 from on that deposition. Do you understand that,
8 Ms. Richter?

9 THE WITNESS: Yes.

10 JUDGE SIPPEL: Now, is there any, does Liberty
11 have any questions of this witness?

12 MR. SPITZER: Not at this time, Your Honor.

13 JUDGE SIPPEL: Does Mr. Weber have any questions
14 of this witness?

15 MR. WEBER: Very few, Your Honor.

16 JUDGE SIPPEL: Now, while you're, I'm sorry.
17 While you're beginning that, I haven't ruled on this
18 deposition. So what we're doing now is it has been marked
19 and the record will reflect that it has been marked as TW/CV
20 Exhibit 55. Ms. Richter's deposition transcript of
21 May 12th, 1997 that is identified and subject to my ruling
22 on correction. It is received at this time into evidence as
23 TW/CV 55. I'm sorry, Mr. Weber. You go ahead.

24 //

25 //

1 (Document previously marked
2 for identification as TW/CV
3 Exhibit 55 was received in
4 evidence.)

5 CROSS EXAMINATION

6 BY MR. WEBER:

7 Q Good afternoon, Ms. Richter. As you know, I'm
8 Joseph Weber and I represent the Wireless Telecommunications
9 Bureau. I'd like you to turn back to TW/CV Exhibit 58 which
10 is Tab 7 in your book there.

11 If you can recall this morning when Mr. Beckner
12 was questioning you about this, there was questions about
13 whether or not you spoke to Mr. Nourain after he received
14 this to see if he had any corrections and there was even
15 comparisons to a bill which is at Tab 9, TW/CV Exhibit 60 on
16 the same date of this letter 3/16 and it shows there is a
17 phone call with Mr. Nourain.

18 I would like you now looking again at
19 Exhibit 7[sic], at the time on the cover sheet for the fax,
20 it says 7:45 p.m. Does that mean that you would have faxed
21 this to Mr. Nourain at 7:45 p.m. on the evening of the 16th?

22 A Yes.

23 Q And then looking back at the time records on
24 Exhibit 60, Tab 9, is it more likely than not then that the
25 phone call referred to here would have actually come before